

**DECEMBER 27, 2005
PARMA CITY HALL COUNCIL CHAMBER
SPECIAL COUNCIL MEETING
7:00 P.M.**

The Special Council Meeting was called to order by President of Council Charles M. Germana presiding:

COUNCIL MEMBERS PRESENT:

STUART J. BOYDA
SEAN P. BRENNAN
BRIAN DAY
MARY GALINAS
THOMAS MASTROIANNI
LARRY NAPOLI
SCOTT TUMA

COUNCIL MEMBERS ABSENT:

ROY J. JECH
MICHELLE J. STYS

Mrs. Tedeschi – Mr. President, the Roll of Council has been called, and I find a quorum of Council members present.

The following officials and department heads were also present: Mayor Dean E. DePiero, Chief Assistant Law Director Tony Zampedro, Auditor Dennis M. Kish, Treasurer Anthony C. Zielinski, Safety Director Gregory Baeppler, and Deputy Clerk I Marie Tedeschi.

NOTICE OF SPECIAL MEETING OF COUNCIL

The State of Ohio)
Cuyahoga County) ss: To Police Chief Daniel Hoffman; Greetings
City of Parma)

WHEREAS, it appears that the public business of this City requires that the Council meet in Special Session to consider such business as may come before it, and,

WHEREAS, I have convened and do hereby convene said City Council to meet in Special Session on the 27th day of December A.D. 2005, at 7:00 P.M. eastern (standard) time at the Council Chamber in said City, to consider such matters as may come before it as fully and completely as might be done in regular session of said Council: -

1. SPECIAL FINANCE COMMITTEE MEETING - Bring out Ord. No. 312-05 for Second Reading Suspension of the Rules - Hospital Revenue Bonds for purpose of refinancing & financing costs of hospital facilities - Parma Community General Hospital. Bring out Ordinance No. 226-04 for Third Reading - Fees of Public Safety - Rental Inspection Fee

**2. SPECIAL COUNCIL MEETING:
EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING WITH THE
CITY'S LABOR ATTORNEY GARY JOHNSON**

COMMUNICATIONS:

1. Variance for Terry Wilson - Glenwood Homes - Lincoln Avenue
2. Variance for Martha Powers, 6448 Stanbury Rd.
3. Two Variances for Jerry O'Neill & Neal Kirchner for property located on Standish Avenue
4. Two Variances for Rich & Nancy Notarianni for property located at 8206 Dorothy Avenue

5. Variance Extension Request for David Savron for the variance for the new

Rockside Park Place development on Snow Road Extension & West 9th St.

SECOND READING SUSPENSION OF THE RULES: - PENDING OUTCOME OF SPECIAL FINANCE COMMITTEE MEETING

ORDINANCE NO. 312-05 - ISSUANCE OF HOSPITAL REVENUE BONDS IN 2006

THIRD READING - PENDING OUTCOME OF THE SPECIAL FINANCE COMMITTEE MEETING

ORDINANCE NO. 226-04 - SECTION 185.04 "FEES OF PUBLIC SAFETY" RENTAL INSPECTION FEE

SUSPENSION OF THE RULES: (EXHIBITS FOR THE LEGISLATION BELOW TO BE ON THE PODIUM:

ORDINANCE NO. 318-05 - AMEND 2005 PERMANENT APPROPRIATIONS

ORDINANCE NO. 319-05 - TRANSFER OF APPROPRIATIONS

RESOLUTION NO. 320-05 - CITY AUDITOR'S CASH ADVANCES

RESOLUTION NO. 321-05 - CITY AUDITOR'S CASH TRANSFERS

TO BE ON THE PODIUM

ORDINANCE NO. 322-05 - AN ORDINANCE TO AMEND ORDINANCE NO. 266-95, AND DECLARING AN EMERGENCY

ORDINANCE NO. 323-05 - CREATION OF A "JAMES DAY FUND"

You are therefore commanded to summon: Mayor Dean E. DePiero, Auditor Dennis M. Kish, Law Director Timothy Dobeck, Treasurer Anthony C. Zielinski, Service Director Brian Higgins, Safety Director Gregory Baeppler, Building Commissioner/City Engineer Paul Deichmann, Council President Charles M. Germana, Stuart J. Boyda, Sean Brennan, Brian Day, Mary Galinas, Roy J. Jech, Thomas Mastroianni, Lawrence Napoli, Michelle J. Stys, Scott Tuma, Council Members and Lisa Krupicka Acting Clerk of said Council, to meet in Special Session as aforesaid for the purposes aforesaid.

Hereof fail not and have you then and there this Writ, with your return thereon in what manner you have executed the same.

In testimony whereof, I have hereunto set my hand and cause the corporate seal of said City to be hereunto affixed, this day of, December 23, A.D. 2005

/s/ Charles M. Germana
Council, City of Parma President of Council Charles M. Germana

ROLL CALL ORDER

Boyda
Brennan
Day
Galinas

Jech
Mastroianni
Napoli
Stys
Tuma

CERTIFICATE OF SERVICE
NOTICE OF SPECIAL MEETING OF COUNCIL

I, Captain Robert Miller, for Chief of Police Daniel Hoffmann of the City of Parma, Ohio, do hereby certify that on December 23, 2005, I received the notices of a Special Meeting of Council, a copy of which is attached hereto, and that in accordance with the instructions given to me, I have served each person named in the notice with the notice either personally or by leaving a copy of such notice and the last of the persons named on the notices was served at his usual place of residence with the notice on December 23, 2005, at 8:41 o'clock P. M., which date and time is more than twelve hours prior to the time of the Special Meeting.

Signed Captain Robert Miller
for Chief of Police, Daniel Hoffmann
City of Parma, Ohio.

DISPENSE WITH THE REGULAR ORDER OF BUSINESS

Motion made by Councilman Mastroianni, seconded by Councilman Boyda, to dispense with the Regular Order of Business and to waive the Rules of Council at this time in order to hold this Special Council Meeting. Motion carried.

Mr. Germana – Stated we would like to have an Executive Session this evening to discuss collective bargaining with the City's Labor Attorney, Gary Johnson. A "yes" vote is to go into Executive Session, and a "no" vote is not to go into Executive Session.
Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.
No: None; Executive Session will now begin.

Mr. Germana – Stated, the Council Meeting resumed at 8:07 p.m.

LEGISLATIVE COMMENT

Mr. Germana – Asked if there was anyone from the public who would like to comment on the legislation that is up for passage this evening. No one wished to speak.

COMMUNICATIONS, PETITIONS, AND CLAIMS

PROPOSAL TO VARY for the applicant Terry Wilson, Glenwood Homes, 3563 McCrea Lane, Richfield, Ohio, for property located at S/L 16 – Lincoln Avenue and S/L 18 – Lincoln Avenue, PPN 443-30-010 and 443-30-008. The first request is for a Variance of Section 1187.01(a) – AREA REGULATIONS – AREA DISTRICT REGULATIONS. The proposal is to build a new single-family home on Sublot 16 – Lincoln Avenue. Minimum lot size required by Code in Single-family B-1 zoning with sanitary sewers is 60' x 130' and 7,800 square feet in area. The proposed lot size is 40' x 140' and 5,600 square feet in area. This Variance would result in 20' less lot width and 2,200 less square feet for lot area. The second request is for a Variance of Section 1187.01(a) – AREA REGULATIONS – AREA DISTRICT REGULATIONS. The proposal is to build a new single-family home on Sublot 18 – Lincoln Avenue. Minimum lot size required by **COMMUNICATIONS, PETITIONS, AND CLAIMS CONTINUED:**

Code in Single-family B-1 zoning with sanitary sewers is 60' x 130' – 7,800 square feet in area. The proposed lot size is 40' x 140' – 5,600 square feet in area. This Variance would result in 20' less lot width and 2,200 less square feet for lot area. This is for PPN 443-30-008.

Mr. Germana – Said Variances will be referred to the Planning Committee.

PROPOSAL TO VARY for the applicant Martha Powers, 6448 Stanbury Road,

PPN 449-19-021. The request is for a Variance of Section 1153.03©(2) – SINGLE FAMILY HOUSE DISTRICTS – ACCESSORY USES AND BUILDINGS – REGULATIONS. Any owner of recreational equipment may park or store such equipment, not in excess of 24' in overall length, on property owned by him or her in accordance with Code condition. The proposed parking for boat is 20'1" on a 24'6" trailer in driveway. This Variance would result in 6" more parking of boat and trailer on residential driveway than Code allows. The Board of Zoning Appeals voted to deny this Variance.

Mr. Germana – Said Variance will be referred to the Planning Committee.

PROPOSAL TO VARY for the applicants Jerry O'Neill and Neal Kirchner for property located at S/L 503 on Standish Avenue and 3426 Standish Avenue. The first request is for a Variance of Section 1187.01(a) – AREA REGULATIONS – AREA DISTRICT REGULATIONS. The proposal is to build a new single-family home at S/L 503 on Standish Avenue, PPN 446-21-053. Minimum lot size required by Code with sanitary sewer (Zoning SF A 1) is 60' wide x 150' deep, 15,000 square feet in area. The proposed lot size is 50' wide x 107.26' deep, 5,363 square feet in area. This Variance would result in 10' less lot width and 42.74' less lot depth and 9,637 less square feet for area. The second request is for a Variance of Section 1187.01(a) – AREA REGULATIONS – AREA DISTRICT REGULATIONS. The proposal is to build a new single-family home at 3426 Standish, PPN 446-21-054. Minimum lot size required by Code with sanitary sewer (Zoning SF A 1) is 60' wide x 150' deep, 15,000 square feet in area. The proposed lot size is 50.08' wide x 107.26' deep and 5,371 square feet in area. This Variance would result in 9.92' less lot width, 42.74' less lot depth and 9,629 less square feet for area.

Mr. Germana – Said Variances will be referred to the Planning Committee

PROPOSAL TO VARY for the applicants Mike and Lisa Conway and Rich and Nancy Notarianni for property located at 8206 Dorothy, PPN 449-03-110. The request is for a Variance of Section 1193.02 – SIDE YARDS – SINGLE OR 2 FAMILY DISTRICTS. The proposal is to build a new residential dwelling on lot created by new lot split at 8206 Dorothy. Minimum side yard on a lot of less than 60' in width is 3'. The proposed side yards are 2'. This Variance would result in 1' less side yards than Code requires. The second request is for a Variance of Section 1187.01 – AREA REGULATIONS – AREA DISTRICTS. Minimum lot size required by Code in Single-family B1 district is 60' x 130' – 7,800 square feet in area. The proposed lot size for both parcels is 40' x 135' – 5,400 square feet in area. This Variance would result in 20' less for lot width and 2,400 less square feet in area than Code requires.

Mr. Germana – Said Variances will be referred to the Planning Committee.

Request from the applicant David Savron for a Variance extension for the new Rockside Park Place development on Snow Road Extension and West 9th Street.

Motion made by Councilman Boyda, seconded by Councilman Day, to grant a second extension to the Variance to June 20, 2006 (6 months). Motion carried.

SECOND READING SUSPENSION OF THE RULES:

ORDINANCE NO. 312-05

12/12/05

L-308-05

(Special Meeting)

BY: S. TUMA, S. J. BOYDA, S. P. BRENNAN, B. DAY, M. GALINAS, T. MASTROIANNI,
L. NAPOLI,
(By Request – Mayor)

AN ORDINANCE EXPRESSING THE INTENTION OF THE

CITY OF PARMA, OHIO, TO ISSUE HOSPITAL REVENUE
BONDS IN 2006 FOR THE PURPOSE OF REFINANCING
AND FINANCING COSTS OF HOSPITAL FACILITIES OF
PARMA COMMUNITY GENERAL HOSPITAL, AUTHORIZING
AND APPROVING AN AGREEMENT TO ISSUE BONDS, AND
DECLARING AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Ordinance No. 312-05 on three different days be dispensed with?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No None; motion carried.

Motion made by Councilman Boyda, seconded by Day, to adopt Ordinance No. 312-05.

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No None; Ordinance No. 312-05 is adopted.

THIRD READING:

ORDINANCE NO. 226-04 8/2/04 L-258-04
(Special Meeting)
(Substitute)

BY: B. DAY, S. P. BRENNAN, M. GALINAS, L. NAPOLI, S. TUMA
(By Request – Mayor)

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION
(F) OF SECTION 185.04 “FEES OF THE DIRECTOR OF
PUBLIC SAFETY” OF THE CODIFIED ORDINANCES OF
THE CITY OF PARMA, RELATIVE TO THE RENTAL
INSPECTION FEE, AND DECLARING AN EMERGENCY

Motion made by Councilman Mastroianni, seconded by Councilman Day, to accept Substitute Ordinance No. 226-04, which amends the language on the previous Ordinance No. 226-04, as stated in the Substitute legislation. Further moved to waive Rule 51, have a Roll Call Vote on rule 44, and place Substitute Ordinance No. 226-04 on Third Reading for final passage. Motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and Substitute Ordinance No. 226-04 be placed on final passage?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

Motion made by Councilman Mastroianni, seconded by Councilman Day, to adopt Substitute Ordinance No. 226-04.

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; Substitute Ordinance No. 226-04 is adopted.

SUSPENSION OF THE RULES:

ORDINANCE NO. 318-05 12/27/05 L-317-05
(Special Meeting)

BY: T. MASTROIANNI
(By Request – Auditor)

AN ORDINANCE TO AMEND THE 2005
PERMANENT APPROPRIATIONS OF THE
CITY OF PARMA, OHIO, AND DECLARING
AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Ordinance No. 318-05 on three different days be dispensed with?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and Ordinance No. 318-05 be placed on final passage?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

Motion made by Councilman Mastroianni, seconded by Councilman Boyda, to amend Ordinance No. 318-05 by accepting Exhibit "A". Further moved to waive the three-day rule on Exhibit "A" for Ordinance No. 318-05. Motion carried.

Motion made by Councilman Boyda, seconded by Councilwoman Galinas, to adopt Ordinance No. 318-05 as amended.

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; Ordinance No. 318-05 is adopted as amended.

ORDINANCE NO. 319-05

12/27/05

L-318-05

(Special Meeting)

BY: T. MASTROIANNI

(By Request – Auditor)

AN ORDINANCE AUTHORIZING THE TRANSFER
OF APPROPRIATIONS WITHIN THE 2005
PERMANENT APPROPRIATIONS OF THE CITY
OF PARMA, AND DECLARING AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Ordinance No. 319-05 on three different days be dispensed with?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and Ordinance No. 319-05 be placed on final passage?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

Motion made by Councilman Mastroianni, seconded by Councilman Boyda, to amend Ordinance No. 319-05 by accepting Exhibit "A". Further moved to waive the three-day rule on Exhibit "A" for Ordinance No. 319-05. Motion carried.

Motion made by Councilman Boyda, seconded by Councilwoman Galinas, to adopt Ordinance No. 319-05 as amended.

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; Ordinance No. 319-05 is adopted as amended.

SUSPENSION OF THE RULES CONTINUED:

RESOLUTION NO. 320-05

12/27/05

L-319-05

(Special Meeting)

BY: T. MASTROIANNI

(By Request – Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR'S
CASH ADVANCES, AND DECLARING AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Resolution No. 320-05 on three different days be dispensed with?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and Resolution No. 320-05 be placed on final passage?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

Motion made by Councilman Mastroianni, seconded by Councilman Boyda, to amend Resolution No. 320-05 by accepting Exhibit “A”. Further moved to waive the three-day rule on Exhibit “A” for Resolution No. 320-05. Motion carried.

Councilman Brennan – Asked the Auditor about the West Creek items.

Auditor Kish – Stated, these advances are short-term loans to carry you over into the new year with a positive cash balance – 0, or positive cash balance. West Creek specifically – these were grants that the City received but is yet to be reimbursed for. The work has been done and we have paid out the money to the contractors, but we have yet to receive the money in the way of the grant through the West Creek society. We are waiting for them to make application to get the money back we advanced them. At year end, he is not going to transfer them or make gifts of these moneys when he knows he has grant money coming back. Once he does a transfer, it is permanent. An advance is just a loan. He will take that money back and deposit it back into the capital improvement account after the first of the year.

Motion made by Councilman Boyda, seconded by Councilwoman Galinas, to adopt Resolution No. 320-05 as amended.

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Stys, Tuma.

No: None; Resolution No. 320-05 is adopted as amended.

RESOLUTION NO. 321-05

12/27/05

L-320-05

(Special Meeting)

BY: T. MASTROIANNI

(By Request – Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR'S
CASH TRANSFERS, AND DECLARING AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Resolution No. 321-05 on three different days be dispensed with?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and Resolution No. 321-05 be placed on final passage?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

SUSPENSION OF THE RULES CONTINUED

Motion made by Councilman Mastroianni, seconded by Councilman Boyda, to amend Resolution No. 321-05 by accepting Exhibit “A”. Further moved to waive the three-day rule on Exhibit “A” for Resolution No. 321-05. Motion carried.

Motion made by Councilman Boyda, seconded by Councilwoman Galinas, to adopt Resolution No. 321-05 as amended.

Councilman Brennan – Asked what is the third item from the top, BOCA.

Auditor Kish – Stated, this is a program run through the Law Department – Victims of Crime. They get some moneys in from special sources. Therefore, we set up a special revenue fund for them. Like other special accounts, they require a subsidy from the General Fund, and that is what this is.

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; Resolution No. 321-05 is adopted as amended.

ORDINANCE NO. 322-05 12/27/05 L-321-05
(Special Meeting)
BY: T. MASTROIANNI, S. P. BRENNAN, B. DAY, M. GALINAS, L. NAPOLI, S. TUMA,
S. J. BOYDA
(By Request – Safety Director)

AN ORDINANCE AMENDING AND MODIFYING
ORDINANCE NO. 266-95 ELIMINATING NEW
RETIREES FROM PARTICIPATING IN THE PARMA
REIMBURSEMENT PLAN, AND DECLARING AN
EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct
reading of Ordinance No. 322-05 on three different days be dispensed with?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and
Ordinance No. 322-05 be placed on final passage?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

Motion made by Councilman Boyda, seconded by Councilman Day, to adopt Ordinance
No. 322-05.

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; Ordinance No. 322-05 is adopted.

ORDINANCE NO. 323-05 12/27/05 L-315-05
(Special Meeting)
BY: T. MASTROIANNI, S. J. BOYDA, S. P. BRENNAN, B. DAY, M. GALINAS, L. NAPOLI,
S. TUMA
(By Request – Mayor)

AN ORDINANCE TO PROVIDE FOR THE CREATION
OF A NEW FUND ENTITLED “JAMES DAY FUND”
FOR THE PURPOSE OF PARK RELATED PROJECTS,
AND DECLARING AN EMERGENCY

SUSPENSION OF THE RULES CONTINUED:

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct
reading of Ordinance No. 323-05 on three different days be dispensed with?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and
Ordinance No. 323-05 be placed on final passage?

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; motion carried.

Motion made by Councilman Boyda, seconded by Councilwoman Galinas, to adopt
Ordinance No. 323-05.

Councilman Mastroianni – Stated, we met with Mayor Day, and he has been so kind to
donate \$100,000 to build a new pavilion at James Day Park. He wants this money to start as

seed money where it continues to grow. He wants to try to raise more money with the Mayor and the Council President. It comes out to all of the pay he received from the City. This is really a credit to him.

Yes: Boyda, Brennan, Day, Galinas, Mastroianni, Napoli, Tuma.

No: None; Ordinance No. 323-05 is adopted.

REPORT ON ABSENT MEMBERS

Motion made by Councilman Boyda, seconded by Councilman Day, to excuse Councilman Roy J. Jech and Councilwoman Michelle J. Stys. Motion carried.

ADJOURNMENT

Motion made by Councilman Boyda, seconded by Councilwoman Galinas, to adjourn said Special Council Meeting. Motion carried.

CERTIFICATION

I, Lisa M. Krupicka, Acting Clerk of Council for the City of Parma, Ohio, do hereby certify this to be a true and correct copy of the Minutes of the Special Council Meeting held on Tuesday, December 27, 2005.

LISA M. KRUPICKA
ACTING CLERK OF COUNCIL

CHARLES M. GERMANA
PRESIDENT OF COUNCIL

Meeting adjourned at 8:37 p.m.

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Minutes completed December 30, 2005